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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,444	05/28/1999	MORIIKO MINOWA	FUJO-16.155	8016
26304	7590	06/21/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			HO, DUC CHI	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
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DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/322,444	Applicant(s) MINOWA ET AL.	
	Examiner Duc C. Ho	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 4-15 is/are allowed.
 6) ☐ Claim(s) 1-3, 16, and 18-20 is/are rejected.
 7) ☒ Claim(s) 17 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The indicated allowability of claims 2, and 16 are withdrawn in view of the newly discovered reference(s) to Kubo (US 2003/0003914). Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The words "one of the" in line 10 should be replaced with "corresponding" for consistency with "respectively demodulating a corresponding spread signal".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2-3, 16, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubo et al. (U.S. 2003/0003914), hereinafter referred to as Kubo.

Regarding claim 19, Kubo discloses apparatus and method for controlling communications based on moving speed.

a plurality of despread demodulator, which are respectively arranged for the plurality of channels, for demodulating a spread signal transmitted over a corresponding channel by despreading the spread signal with a corresponding spread code (a plurality of demodulator 24-fig.11, see 0103-0107); and

instructing means (searcher 81-fig.11) for instructing a phase of each spread code used for despreading each of the spread signals transmitted over the plurality of channels, wherein

the instructing means is shared by the plurality of despread demodulators (the searcher 81-fig.1 is shared by the plurality of demodulators 21-fig.11).

Regarding claim 20, Kubo discloses apparatus and method for controlling communications based on moving speed.

a path detector being used in a time-division manner so as to generate timing signals for the plurality of channels according to correlations between received spread signals and spread code (a searcher 81-fig. 11 provides timing signals to a plurality of channels, see 0103-0107); and

a plurality of despread demodulators demodulating the plurality of channels, wherein a despread demodulator demodulates each received spread signal according to a corresponding timing signal among the timing signals generated by the path detector (the demodulators demodulating the plurality of channels according to corresponding timing signals generated by the searcher 81-fig.11, see 0107).

Regarding claims 1, and 18, these claims have similar limitations as claim 20. Therefore, they are rejected under Kubo for the same reasons set forth in the rejection of claim 1, and 18.

Regarding claim 2, Kubo inherently discloses the step of generating spread codes according to a predetermined algorithm. Kubo discloses a matched filter for outputting correlation level data, and generating timing signal based on the correlation level data, see 0079-0080.

Regarding claim 3, Kubo discloses the use of pilot signals for the generation of timing signals, see 0069.

Regarding claim 16, Kubo discloses a delay unit 71-fig.5 for delaying a signal to be input to the plurality of despread demodulators by an amount of time required to generate the timing signal by the path detector, see 0085-0087.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 18-20 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 4-15 are allowed.

7. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable, if the rejected base claim overcoming the objection set forth as above, and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

06-19-06